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James A. Flight
Marshall O'Toole Gerstein Murray & Borum
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6402

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In re Application of
Bill Hoerner et al.
Application No. 09/249,916
Filed: February 12, 1999
Attorney Docket No. 96-007B

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 20, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 8, 1999, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 9, 2000.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$870 extension of time submitted with the petition on June 20, 2000 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center 3600, for further processing.

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects